

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 3, 2006

EMERGENCY PREPAREDNESS TRAINING - EAST CONFERENCE ROOM - 5:00 p.m.

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, Emergency Preparedness Director Paul E. White, Fire Chief Larry Gregory, Public Works Director Walt Hokanson, Police Chief Wayne Hansen, Finance Director Keith Johnson and City Recorder Margy Lomax. Council Member Larry Haugen was out of town.

Mayor Harbertson called the meeting to order. He suggested the possibility of holding quarterly meetings to bring everyone up to speed on emergency preparedness.

Max Forbush reviewed the responsibilities of everyone as listed in the Emergency Preparedness Plan. This plan was written a couple of years ago. He stated that those present are the ones who constitute the Emergency Preparedness Council. The response plan can be used in almost any emergency situation. He said the best plan in emergencies is for those individuals to do what they do on a normal basis, such as Police Officers, Firemen, City Council, would have similar duties during an emergency, that is the way the plan is organized. There are different levels of response for various agencies.

Mr. Forbush stated that Mayor Harbertson has the right to take command of any emergency situation and to declare an emergency. If the Mayor is not available, then the Mayor Pro Tem would be in charge. In an emergency situation, the City Council functions as a legislative and administrative body. In most circumstances, they won't be directly involved unless assigned by the Mayor to help such as a Public Information Officer.

During an emergency, it might be necessary to pass responsibilities on to different individuals. The Incident Commander could be anyone, but would generally be the Public Works Director, Police Chief or Fire Chief. Everyone plays a role in being part of the support team. There are resources available to help in emergencies through volunteers, residents who have received CERT training, HAM radio operators, Emergency Preparedness District Leaders, etc. It was stated that Paul White, the Emergency Preparedness Director, is a resource to the Mayor, but has no authority on his own.

Discussion then followed on emergency plans and procedures dealing with assessment, response, recovery, and restoration/mitigation. This discussion ended at 6:00 p.m.

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM - 6:00 p.m.

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg. Larry Haugen was excused.

Mayor Harbertson began discussion at 6:00 P.M. The following items were reviewed:

Agenda Item #4: Public Hearing: Community Development Block Grant (Small Cities Program) Review of Proposed Project for Program Year 2006 (installing handicap accessible ramps at approximately 70 intersections) and its potential effect on Farmington Residents - Max Forbush:

Max Forbush explained how the public hearing should be held in order to be in compliance with the CDBG guidelines.

Agenda Item #5: Public Hearing: Consideration of Schematic Plan Approval for a Commercial Subdivision (lot split) of the old Kmart site near U.S. Highway 89 and Shepard Lane:

David Petersen said the Planning Commission recommended that the City Council approve a schematic plat whereby the footprint of the building will be subdivided but the remainder of the property will be held in common owned and maintained by an owners association. He said their recommendation was made in an effort to make the project cost effective for the applicant. It has since been determined that the cost will be comparable regardless of whether approval is granted for a subdivision or a condominium.

Rick Dutson suggested that the air conditioning units be screened so the building will be more attractive.

David Hale suggested that the landscaping on the south side of the building be removed to allow the building to be seen from Shepard Lane.

The City Council discussed the traffic and parking issues. At the Planning Commission meeting, the City Engineer requested additional information so he can further study the issues.

Agenda Item #7: Resolution Adopting Lease-Purchase Agreement between Farmington City and Zion's First National Bank for Acquisition of new Street Sweeper

Max Forbush reviewed the purpose of the Resolution and informed the Council that the Zion's First National Bank form was approved by the City Attorney.

Agenda Item #8: Minute Motion Adopting Tentative FY 07 Municipal Budgets:

The Council was reminded that the budget being considered is tentative and will be further considered at the budget meetings.

Agenda Item #9: Resolution Authorizing and Approving Farmington to enter into an "inter-local Agreement for Cooperative Fire Protection and Emergency Services" with other Davis County Municipalities and Fire Districts and Agencies:

The City Manager passed out copies of the Resolution which was approved by the City Attorney.

Sid Young said he was glad that the Agreement allowed the City to withdraw if necessary.

Agenda Item #10: Resolution Amending Consolidated Fee Schedule Adding Swimming Pool Fees to the Schedule:

Paula Alder said the following change needs to be made to the Resolution:

Resident Family Season Passes: Each person over a total number of 5 is an additional \$10.00.

Agenda Item #11: Authorization for Mayor Harbertson to sign a U.S. Forest Service Special Uses Permit for Compton Bench Debris Basin:

Max Forbush passed out a portion of the Agreement that was not included in the packet. He suggested that the City maintain the basin rather than paying the County to maintain it.

Agenda Item #12: Review and approval of proposed FEMA “Conditional Letter of Map Revision F(Fill) (CLOMR) as prepared by David Petersen for Farmington Ranches, Phase 8, Subdivision:

David Petersen explained that the developer plans to do a Conditional Map of Revision. Each property owner will be required by the CC&R to raise their property to an elevation of 4218 which will make it so flood insurance is not required. He said it is not likely that Phase 8 will experience flooding since the land remained dry during the flood of 1983. City Staff recommends that the Council approve the applicant’s request.

Agenda Item #15: Miscellaneous:

Max Forbush informed the Council that the City received a letter from Gary and Meridee Litster’s attorney which stated they are opposed to Steed Creek being relocated. He said the County and Paul Hirst are also opposed to the stream being altered. He suggested that a meeting be held with the Steed Place developers in an effort to modify the plans so the stream channel does not have to be changed.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, Recording Secretary Jill Hedberg and Youth City Council Member Mikell Ezolia. Larry Haugen was excused.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **Margy Lomax**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the April 19, 2006, City Council Meeting. **Paula Alder** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

David Hale moved to approve the minutes of the April 19, 2006, City Council Closed Session. **Sid Young** seconded the motion. The voting was unanimous in the affirmative.

Sid Young moved to approve the minutes of the April 26, 2006, Special City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

Jim Talbot reported proceedings of the Planning Commission meeting held April 27, 2006. He covered the following items:

- The Planning Commission toured the Garbett Homes development. They also granted preliminary plat approval for the proposed Farmington Crossing North PUD. The Planning Commission made it clear that they are opposed to the units being sold to investors. They also asked that the parking plan be reviewed to verify that the development has adequate parking.

Rick Dutson said the developer's sales agents are informing the public that the units can be used as rental property after one year of occupancy. He asked if the Development Agreement between Garbett Homes and the City includes owner-occupancy requirements.

Max Forbush said he will direct the question to the City Attorney but he thought it is difficult for municipalities to prevent units from being used as rentals.

Rick Dutson said he would have rethought his approval if he knew there was not a way to enforce that the units will not be used as rentals.

Jim Talbot said the developer is willing to work with the City Attorney to draft the CC&R text to prevent the units from being sold to investors. He said the developer has created a third discharge area for storm water.

Paula Alder suggested that the CC&R text include a specific term that the units can not be used as rental property.

Jim Talbot continued his Planning Commission Report, including the following items:

- The Planning Commission visited the Tuscany Cove subdivision to determine whether a retaining wall should be permitted using a block material. After discussing the issue with the contractor, the Planning Commission authorized the block retaining wall.
- The Planning Commission discussed **Bob Annot's** request to restore a historic home to be used for office space. They were not opposed to **Mr. Annot** proceeding with his proposal.

PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (SMALL CITIES PROGRAM) REVIEW OF PROPOSED PROJECT FOR PROGRAM YEAR 2006 (INSTALLING HANDICAP ACCESSIBLE RAMPS AT APPROXIMATELY 70 INTERSECTIONS) AND ITS POTENTIAL EFFECT ON FARMINGTON RESIDENTS - MAX FORBUSH (Agenda Item #4)

Mayor Scott C. Harbertson opened the second public hearing for the CDBG program. He stated that this hearing was called to allow all citizens to provide input concerning the project which was awarded to Farmington under the 2006 Community Development Block Grant Program. The City has previously amended its capital investment plan and decided to apply for funds for the installation of approximately 70 handicap accessible ramps to be located throughout the City.

Mayor Harbertson introduced **Max Forbush**, City Manager, who will be the Project Manager. The **Mayor** explained that the application was successful in the regional rating and ranking process and Farmington's application for CDBG funding to install the handicap accessible ramps was approved in the amount of \$75,000. A \$10,000 City match contribution is also budgeted for the project.

The **Mayor** asked **Mr. Forbush** to explain the project to those in attendance.

Public Hearing

The Mayor asked the audience for any comments, questions, and concerns about the project. **Mr. Forbush** passed out copies of a Capital Facilities Plan that was approved in 2005 that reflects the need for the City to install handicap accessible ramps in different locations throughout the City.

Public Hearing Closed

There being no public comments received, the hearing was adjourned at 7:20 P.M.

Motion

Sid Young moved that the City Council authorize the submittal of the final CDBG application for \$75,000 in CDBG funding. **David Hale** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR A COMMERCIAL SUBDIVISION (LOT SPLIT) OF THE OLD KMART SITE NEAR U.S. HIGHWAY 89 AND SHEPARD LANE (Agenda Item #5)

David Petersen displayed an overhead of the footprint of the Kmart building and the surrounding property. The applicant would like to divide the development into two and have two separate ownerships. City staff suggested creating a condominium development since it would be more cost effective. They have since found it will not be less expensive. He said the Council could approve the applicant's request as a subdivision or condominium so the developer can choose the most effective option. He said the Planning Commission will review a detailed site plan which will include utility lines, parking, drainage, etc. He asked the applicant how the smaller warehouse will be used.

Brad Miller said the warehouse space will be used by one of his business partners.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Brad Miller said he would prefer that the properties be separate since there are two separate companies.

Motion

Rick Dutson moved that the City Council grant schematic plan approval for a commercial subdivision (lot split) of the old Kmart site near U.S. Highway 89 and Shepard Lane. **Sid Young** seconded the motion which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #6)

David Hale moved that the City Council approve the following items by consent as follows:

- 6-1. Ratification of Construction Bond Agreements previously signed by Mayor Harbertson.

- 6-2. Approval of Fire Chief's request to amend FY 06 Capital spending priority list to enable purchase of additional extrication equipment and emergency scene command lighting as requested in the enclosed memo to Max Forbush.
- 6-3. Acknowledgment of Mayor's Proclamation declaring May as "Foster Care Month".

Paula Alder seconded the motion, which passed by unanimous vote.

RESOLUTION ADOPTING LEASE-PURCHASE AGREEMENT BETWEEN FARMINGTON CITY AND ZION'S FIRST NATIONAL BANK FOR ACQUISITION OF NEW STREET SWEEPER (Agenda Item #7)

Mayor Harbertson explained the purpose of the Resolution, as was discussed in the work session. He said the Agreement was reviewed by the City Attorney and the City Council.

Motion

David Hale moved that the City Council approve the Resolution adopting Lease-Purchase Agreement between Farmington City and Zion's First National Bank for acquisition of new street sweeper. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MINUTE MOTION ADOPTING TENTATIVE FY07 MUNICIPAL BUDGETS (Agenda Item #8)

Mayor Harbertson explained that the budget is tentative. Additional budget meetings will be held.

Motion

David Hale moved that the City Council approve for study the tentative FY-06-07 budgets prepared by staff for Council review. **Paula Alder** seconded the motion, which passed by unanimous vote.

RESOLUTION AUTHORIZING AND APPROVING FARMINGTON TO ENTER INTO AN "INTER-LOCAL AGREEMENT FOR COOPERATIVE FIRE PROTECTION AND EMERGENCY SERVICES" WITH OTHER DAVIS COUNTY MUNICIPALITIES AND FIRE DISTRICTS AND AGENCIES (Agenda Item #9)

David Hale explained that the Resolution will make it possible to expand the City's fire protection beyond its own department.

Sid Young referred to the following section of the Agreement:

Page 7, paragraph C: If, during the course of addressing an emergency, the chief officer of the responding agency determines that the risk to personnel or equipment outweighs the benefit of continuing to assist in the emergency, the chief officer of the responding agency may withdraw said personnel and equipment after notifying the Incident Commander.

Motion

Paula Alder moved that the City Council adopt the Resolution authorizing and approving Farmington to enter into an “Inter-local Agreement for Cooperative Fire Protection and Emergency Services” with other Davis County Municipalities and Fire Districts and Agencies. **Rick Dutson** seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING CONSOLIDATED FEE SCHEDULE ADDING SWIMMING POOL FEES TO THE SCHEDULE (Agenda Item #10)

Mayor Harbertson said the Resolution will include the amendment discussed during the work session:

Resident Family Season Passes: Each additional person over 5 will be charged \$10.00.

Motion

Paula Alder moved that the City Council adopt RESOLUTION NO. 2006-____, A RESOLUTION OF THE FARMINGTON CITY COUNCIL AMENDING THE FARMINGTON CITY CONSOLIDATED FEE SCHEDULE RELATING TO SWIMMING POOL FEES and the Consolidated Fee Schedule amendments. **David Hale** seconded the motion, which passed by unanimous vote.

AUTHORIZATION FOR MAYOR HARBERTSON TO SIGN U.S. FOREST SERVICE SPECIAL USE PERMIT FOR COMPTON BENCH DEBRIS BASIN (Agenda Item #11)

The **Mayor** explained that the City is liable and responsible for maintenance, operation, and emergency response. The City will likely provide the maintenance rather than reimbursing the County for the work.

Max Forbush recommended that the Council authorize the Mayor to sign the permit so the City is in compliance with their initial commitment.

Motion

Rick Dutson moved that the City Council authorize **Mayor Harbertson** to sign the Special Use Permit for Compton Bench Debris Basin. **Paula Alder** seconded the motion, which passed by unanimous vote.

REVIEW AND APPROVAL OF PROPOSED FEMA “CONDITIONAL LETTER OF MAP REVISION F (FILL) (CLOMR) AS PREPARED BY DAVID PETERSEN FOR FARMINGTON RANCHES, PHASE 8, SUBDIVISION - DAVID PETERSEN (Agenda Item #12)

David Petersen explained that each property owner will be required to provide their own fill so it can be placed in the right location without blocking storm drainage.

David Hale asked if the area wide permit application would reduce the cost of the homeowners’s future application.

Paul Hirst said the area wide permit provides FEMA notice. He agreed with the developer that the finished floor should be at an elevation of 4218 so the footings are on undisturbed soil. He explained the benefit of individual property owners providing the fill rather than the developer. He said a geo-technical report was done on the entire project at the origination of the project. The compaction will be at least 95%.

Motion

Sid Young moved that the City Council authorize **David Petersen** to submit the letter of map revision. **David Hale** seconded the motion, which passed by unanimous vote.

FUTURE MEETING DATES AND SCHEDULES (Agenda Item #13)

- May 4, 2006, Budget Work Session - 5:30 p.m.
- Committee Meeting to Discuss building options with Edwards & Daniels Architects - Max will arrange the date and time to work with the Mayor and Council Member Dutson’s schedule.

[Youth City Council Member Ezolia was excused at 8:00 P.M.]

MAYOR HARBERTSON & CITY COUNCIL COMMITTEE REPORTS (Agenda Item #14)

Mayor Harbertson Report

- **Mayor Harbertson** was informed by **Jackie Hardy** that they will not begin their project until **Jeff Smith** begins his development.
- **Mayor Harbertson** reported that he and Max Forbush had met with the Fruit Heights City Administrator to see what work had been done on the trail extending north from Farmington on the common municipal boundary line. As authorized by the City Council, the City Manager will send a letter to property owners requesting

an easement above the embankment of rocks. This will be done after Farmington hears from Fruit Heights if they will allow equestrian access on the trail.

- **Mayor Harbertson** suggested that the Council Members alternate submitting newsletters every other month.
- **Mayor Harbertson** met with **Cory Pope** regarding the Pilcher property. **Mr. Pope** scheduled a meeting on May 4, 2006, to discuss the possibility of land trades.

Farmington Ranches Drainage Discussion

Paul Hirst said he met with **Dick Moffat** and his engineer regarding the drainage issues in the Farmington Ranches. **Mr. Hirst** disagreed with **Mr. Moffat's** proposed solutions so **Mr. Moffat** will meet with the **Mayor** to express his position.

Council Member Sid Young Committee Report

Sid Young said the Trails Committee met and discussed ways to promote trail usage. It was suggested that the City emphasize the Eagle mascot and encourage the future high school to use the Eagle as their mascot. He suggested that the Trails Committee and City staff hold their quarterly meeting in June.

Mayor Harbertson suggested that a trails kiosk be placed at the Lake Park Pavilion.

Sid Young suggested that the City obtain documentation stating whether it is possible to create a south interchange. **Mr. Pope** offered to meet with the Wasatch Front Regional Council and the traffic engineers.

Council Member Dutson Committee Report

Rick Dutson reported on the Youth City Council annual retreat. An "Amazing Race" was held where the youth were educated on different aspects of the City.

Council Member Alder Committee Report

Paula Alder expressed appreciation for the Council Members contributing to the dinner theater. The Council members agreed the dinner and theater were very well done.

Paula Alder reported that Donatella Steirs is willing to serve on the Arts Council.

Motion

David Hale moved that the City Council approve **Donatella Steirs** as an Arts Council member. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Paula Alder said **Shauna Wardrop** will assist the Festival Board Chairman for the remainder of the year and will then serve as the Chairman in 2007. All of the Board positions have been filled.

Council Member Alder reminded the Council Members of the Miss Farmington Pageant. The Mother of the Year recipient was chosen but has not yet been announced. A possible replacement has been found for **Tammy Boyce**.

MISCELLANEOUS

Max Forbush reported on the meeting that was held by UDOT to discuss the Legacy Highway North alignment. Northern Utah (Davis & Weber County) legislators would like to find a direct tie-in to Legacy North from Legacy South. They discussed the possibility of utilizing the UTA right-of-way as part of the corridor through Farmington. Carlos Braseras, Deputy UDOT Director, expressed concerns over the route due to the wetlands. An extended study will be done by Horrocks Engineers regarding the possibility of preserving the UTA corridor and the corridor that slips into I-15 near Shepard Lane. The report will take approximately three months to complete.

Mayor Harbertson said **Harley Evans** attended the Town Hall meeting to discuss the Fruit Heights development. He wants to verify that an 8' berm will be created on the eastern boundary of his development, (Cornerstone Subdivision) as was previously committed. **Max Forbush** informed him that the City was still holding a bond to guarantee the installation of the flood mitigation work.

Paul Hirst said he has been in contact with **J.C. Wheelright**, the adjoining property owners in Cornerstone Subdivision, and **Mike Flood**, the developer. **Mr. Hirst** said it may be possible to lower the wall (berm) but it does not need to be at the lowest spot of the natural swell. He was opposed to **Mr. Flood's** proposal to construct a smaller detention basin on Lot 4 (Deer Crest Subdivision - Fruit Heights side) because it will not be sufficient to handle catastrophic flows.

Mr. Hirst said the developer should prepare another plan if he intends to alter the initial plan.

Garbett Homes Discussion

Rick Dutson said he is deeply concerned that the Farmington Crossing units are being sold with the potential of being used for investment property. He would not have voted in favor of the density of the project if he had been aware that the developer does not have control over whether investors purchase the units. He will withhold his vote on future phases until the issue is resolved.

The Council Members agreed with **Council Member Dutson's** position and requested that the City Manager contact the City Attorney regarding the matter.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 8:50 P.M.

Margy Lomax, City Recorder
Farmington City